

REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested.

Claims 1-34 have been rejected.

Claim 15 was objected to.

Claims 1 and 15 have been amended.

Claims 1-34 are pending in this application.

Claims 1-9, 11, 13-34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Almgren et al. (WO 97/32445 hereinafter "Almgren") in view of ETSI TR 125 922 v3.4.0 2000-12 (hereinafter "3GPP2000"). This rejection is respectfully traversed.

The current invention relates to selection of a subset of carriers in a given frequency band in response to a measuring performance characteristic (e.g. single or dual receiver) in that frequency band of a subscriber unit of a cellular communication system. For example, a dual-mode subscriber unit may be involved in an active UMTS call and depending on whether the subscriber unit comprises one or two receivers, the number of carriers included in a GSM neighbor list may be varied. Thus, more GSM carriers are measured if the subscriber unit comprises two receivers than if it comprises only one receiver, as this must be multiplexed between the UMTS and GSM bands.

Almgren discloses a system for adaptively reconfiguring neighbor cell lists. Data from a number of base stations is collected and quality values are determined for different cells and used to select which neighbor cells to include in the neighbor list. The cited text discloses that mobile station characteristics (i.e. mobile speed) may be used in generating the neighbor list. However, Almgren comprises no disclosure that different subscriber units may have different measuring performance and fails to disclose, suggest or even hint that a measuring performance characteristic may be determined and used to select a subset of carriers to be measured. The Examiner agrees in this view.

Almgren merely comprises a general disclosure that mobile station characteristics may be used to amend quality values of a quality matrix which is then used to select neighbor cells (ref. e.g. page 9 lines 16 to 26, page 34 lines 5 to 11, page 30 lines 13 to 17 and page 31 lines 16 to 20). Not only does Almgren fail to suggest that a measuring performance characteristic related to the measurement performance of a subscriber unit when measuring carriers in a frequency band may be used to select carriers, as acknowledged by the Examiner, but such an approach is furthermore not suitable for the system of Almgren. Specifically, the modification of the quality values of the quality matrix in response to a measuring performance of the subscriber unit is

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inappropriate as the measuring performance does not affect which cells are suitable as candidates. Therefore, modifying the determined quality values would result in a distorted ranking of cells leading to degraded handover performance.

3GPP2000 discloses measurement configuration based upon *previously* received capability information, whereas applicant's claim 1 determines characteristics of measurement performance *during* carrier measurement. Support for this can be found in the specification on page 12 lines 16 to 17. Specifically, 3GPP2000 relates the base station download of initial capability information during call setup (see Flows 2 and 3), or even as the Examiner points out on the last two lines of page 16, wherein the configuration is based upon *previously* received capability information. In contrast, applicant's amended claim 1 refers to determining the characteristic *when* measuring (page 12 lines 16 to 17), even during a call (page 12 lines 25 to 26). As a result, applicant's invention of amended claim 1 provides dynamic updates of performance characteristics (page 13 lines 3 to 6) as opposed to the static approach of 3GPP2000. In view of the above, applicant respectfully submits that 3GPP2000 specifically teaches away from applicant's invention.

Therefore, it is respectfully submitted that amended claim 1 is patentable and non-obvious over the cited prior art.

Claims 2-9, 11 and 13-14 are dependent on amended claim 1, and therefore include all of the recitations thereof, which are not disclosed or suggested by the references, and are therefore deemed allowable as well for the same reasons.

Claim 15 includes similar recitations as that of claim 1, and is therefore deemed allowable as well for the same reasons.

Claims 15-26 are dependent on claim 15, and therefore include all of the recitations thereof, which are not disclosed or suggested by the references, and are therefore deemed allowable as well for the same reasons.

Claim 27 includes similar recitations as that of claim 1, and is therefore deemed allowable as well for the same reasons.

Claims 28-34 are dependent on claim 27, and therefore include all of the recitations thereof, which are not disclosed or suggested by the references, and are therefore deemed allowable as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

Claims 10 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Almgren in view of 3GPP2000 and further in view of Lupien (US 5857153). This rejection is respectfully traversed.

Claims 10 and 12 are dependent on amended claim 1, and therefore include all of the recitations thereof, which are not disclosed or suggested by the references, and are therefore deemed allowable as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

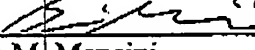
No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection or through an Examiner's amendment.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

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Respectfully submitted,
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